



**ENTERED**

# Mescalero *Apache* Tribe

**Tribal Education Department**

**F A X Transmission**

101 Central Ave P.O. 227  
Mescalero, New Mexico 88340  
Telephone (505) 671-4494  
Fax (505) 671-4454

**FROM:** Mrs. Rufina Laws Lozano      **DATE:** January 19, 1999

**SUBJECT:** Hearing Clerk      **PAGES:** 5  
**(INC. COVER PAGE)**

**TO:** Attn: Hearing Clerk

**COMPANY:** Waste Isolation Pilot Project Draft Permit  
New Mexico Environmental Department

Room "N" - 4071  
P.O. Box 26110  
1190 St. Francis Drive

**FAX #:** Santa Fe, New Mexico 87504-2850

**PHONE #:** Fax# (505)827-2836 - Ph.# (505)827-1560 X 1013

**COMMENTS:** Faxing statement to read at the Public Hearing,  
of the WIPP State Permittion held in February 1999.  
Any questions or concerns call (505)671-9115.

Thank you.

**If you experience trouble in receiving our fax transmission, please call us at once at the number listed above.**



January 19, 1999

**Hearing Clerk**

**Waste Isolation Pilot Program Draft Permit**

**New Mexico Environmental Department**

**Room "N" - 4071**

**POB 26110**

**1190 St. Francis Drive**

**Santa Fe, NM 87504-2850**

A few years ago, the Mescalero Apache Tribe was grappling with the controversial issue of the Monitored Repository Storage (MRS) "high-level" radioactive nuclear waste. Today, the State of New Mexico, is facing the same issue but in a silent, darker and more sinister process. As the people wait for the state to issue a state permit for an almost approved "low-level" radioactive nuclear dump site called the Waste Isolation Pilot Project (WIPP), near Carlsbad, NM.

In allowing the acceptance of the waste, the state permit is the last hurdle to cross in a two-decade governmental process. A statement was made in a Public Broadcasting System (PBS) documentary program in August 1996, which said there was enough room in the WIPP underground repository to store thirty (30) football fields of low-level radioactive nuclear waste; each room measuring 30 to 40 feet high, with more such rooms being created each day.

The Secretary of Energy, Bill Richardson (NM), again stated in a recent television interview the WIPP site would be a safe place to store low-level waste. The acceptance of the waste has been promoted as safe and being neutralized within days or weeks. Yet, mixed in low-level waste is an isotope or combinations of isotopes that one would consider highly radioactive, something in some cases, being hazardous forever.

The historical time period equal to the length of an isotope's hazardous radioactive life can be visualized in the following examples. The isotope, Cobalt-60, remains radioactive for the life expectancy of the average American (60 - 80 years). Tritium, is able to kill cells and cause tumors for longer than the period between the Civil War and today (130 years). Strontium -90, is hazardous from when Manhattan was purchased from the

Indians for \$24 of worthless trinkets to present time. Plutonium -239, the earliest known manmade shelter (a crude hut) was built as long ago as the duration of plutonium-239 radioactivity (24,000 years). Technetium-99, remains as hazardous from the time the first stone tool was made to the present time (212,000 years). Iodine-129, is harmful the length of time of the appearance of the first large dinosaurs to the present, (100 million years). Thorium -232, in comparison, Earth acquired its present size between four and five billion years ago. The half-life of Thorium-232, is 14.1 Trillion years, which makes this isotope radioactive the span of an estimated 140 Trillion years (the half-life of an isotope must be multiplied 10 to 20 times to determine the period of time during which a radioactive substance remains hazardous).

Long before the Spanish Explorers, the first seekers to come to this area called New Mexico, the Mescalero Apaches called the lands from Texas to Central Arizona, to the south, far into Mexico and north to the Colorado peaks, their home. The tribe's reservation is presently located on ancestral land in south central New Mexico.

The land near and surrounding the Guadalupe Mountains, in southeastern New Mexico, is held as sacred cultural land as it is believed to be the beginning of the Apache people's religious and cultural identity. The Mescalero took their name from the Mescal cactus plant. This plant was literally their staff of life as it provided; food, beverage and fiber. Even today, special trips are made by tribal people, into the southeastern part of New Mexico, to harvest the plant.

The "Coming of Age," Ceremony is held every year during the first week of July. The entire ceremony signifies the central focal point of the people's language, cultural, religious and spiritual beliefs and therefore, their identity. Without the ceremony, the people will be without their own unique and special world-view identity. The "Coming of Age" Ceremony is a solemn and serious time in the life of a girl child as it is recognized as the end of her girlhood and prepares one for the life and years of womanhood. The ceremonial teepee was once made of Mescal stalks. After, the Apaches were defeated and confined to the reservation, the stalks were replaced with evergreens as teepee poles.

The Dance of the Mountain Gods is an integral part of the, "Coming of Age" ceremony. It is performed around a huge bonfire each night for four nights.

The performance is at night and today is still a deeply moving experience, for legend has told us that the origin of the Mountain God dance is in southeastern New Mexico, near Carlsbad. It was there that the first dance of the ceremony was performed before two severely handicapped Apache men untold generations ago.

The Mescalero Apache band was attacked by enemies, and for the safety of the tribesmen and the two men, the two men were left behind in a lonely mountain cave. The band members were going to return when the danger past. The two men waited alone, one being blind and the other crippled.

They waited for many days and became weak as their meager food and water supply had given out. One night, strange figures with mystical headgear appeared, four were painted black with white symbols, and the fifth figure painted white. A mysterious light illuminated the figures and became a bonfire, around which the strange figures danced, posturing and chanting, calling up on the winds and the rain and flashing their swords against unseen enemies.

The gods led the blind man and the crippled man from the cave. The white painted god struck the gigantic rock with the stick and divided the rock into a passageway. The two men stepped through the passageway. Suddenly, the blind man could see and the crippled man could walk. Each clothed in the finest buckskin and in their possessions were the finest bow and arrows ever seen.

The men were alone when in the distance they saw a village of camps. As they came near the village, they found it was their own band members, recently returned from a long journey. They joined their people and shared with them their miracle. They performed the dance just as the Mountain Gods had danced. For generations since, the Apaches have performed the "Dance of the Mountain Gods", to drive away sickness and evil and bring good health and blessings to the people.

Today, this land which is of utmost importance to the Mescalero Apache Nation, is being prepared for the acceptance of low-level radioactive waste by the high priests of the military-industrial complex, the politicians and citizens of New Mexico. As a Mescalero Apache, and one who dearly loves this beautiful, spiritual state called New Mexico, I oppose the state permit which will allow nuclear waste to be shipped and stored at the WIPP site.

The issuing of the state permit will truly mark the beginning of the end for an indigenous nation, the Mescalero Apaches. The acceptance of radioactive waste will mark the deliberate trashing of this nation's language, cultural, religious and spiritual beliefs which is held in reverence through the observance of the "Coming of Age" Ceremony.

The radioactive contamination of the sacred land and the planned storage of radioactive waste underground, is an offense tantamount in violation, equal to the storing of the nuclear waste on the sacred grounds and in the basement of a religious center in the United States of America, such as the National Shrine of the Immaculate Conception in Washington, D.C. Yet, while plans are being made for approval of the sacrilegious, radioactive WIPP site, consideration has not ever been given to learn about the cultural, religious and spiritual connection to which the Mescalero Apache Nation so strongly hold to this land in southeastern New Mexico.

It is the Mescalero Apache Nation's prayer that the state permit will not be granted to legally open and accept low level nuclear waste at the WIPP site.



Rufina Marie Laws-Lozano  
Mescalero Apache

cc: Hearing Clerk  
MAT Pres. A. Paul Ortega ✓  
Rufina (Laws) Lozano  
Lindsey Lovejoy  
Steve Zappe  
Bill Hume  
Mescalero Tribal Library